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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,100	12/21/2000	Michael Osterer	7415/0G540	1500

7590

01/16/2003

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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NK

Office Action Summary

Application No.

09/747,100

Applicant(s)

OSTERER, MICHAEL

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: _____

Art Unit: 3713

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges receipt of Applicant's amendment on 11/1/02 and submission of prior art on 11/17/02.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '782 (Hereafter, Walker) in view of Walker et al. '272 (Hereafter, Walker '272). Walker teaches a group lottery game (4:1-10) system having a server, a remote computer connected through a network like the Internet (9:11-20). Walker further teaches that server stores information about the group, including player registration, group rules (9:9-39), and information relating to a particular player (2:47-56). Walker also teaches that depending on the group rules, a winning maybe paid out to players automatically through the mail (12:5-12), or other means well known in the art (12:13-20). Additionally, a chat room is provided for group members to communicate over the Internet (13:14-16), group information can be changed over the Internet (9:31-40), and a member could monitor other members over the Internet (13:9-11), and users will authenticate to the server using a password (13:7-9). Furthermore, an administrative body can set rules. Walker does not mention limitations regarding lottery information, or automatic lottery

Art Unit: 3713

purchasing. Walker '272 teaches a lottery game using remote terminals, a central computer, to purchase a lottery ticket that will be purchased or activated based upon a user's predefined information/instructions (Abstract), where this lottery information is stored in the server database (Fig. 4), and the lottery information could include purchase interval, volume (2:48-50), and notification (4:33-36). Both Walker and Walker '272 discuss a network system for playing a lottery, and Walker additionally teaches of player or game administrator definable rules for payout providing motivation to modify Walker to include aspects of Walker '272. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Walker's lottery game to further include automated rule based lottery purchases providing an easier method to purchase tickets.

In re claim 5, group information can change subsequent to logging on to the server (Walker, 13:16-22).

In re claims 6 and 13-15, given that Walker provisions for information modification as discussed above and the nature of web enabled systems as well known in the art, it would have been obvious to have a mechanism to allow modification of other information as well as the lottery information, which would provide players better control over wagers/investments.

In re claim 12, as Walker teaches chat room communication between players, instant messaging is analogous with chat room communications, and it would be inherent that the system be able to tell who is online and indicate such, to facilitate communication.

4. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Walker '272 further in view of Yacenda '078 (Hereafter, Yac). Walker in view of Walker '272 (Hereafter, Wal2) teaches the claimed limitations as discussed above, but do not

Art Unit: 3713

teach game information selection. Yac teaches a network lottery game played over the Internet where players can access game information (Fig. 5, 7, and 8A). One would be motivated to combine the two references as both deal with network lottery games and their administration. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wal2 to include game information so players can be advised as to what type of games are available to purchase. Furthermore, information about available lottery games are typically always available before purchase and the web also typically associated with providing a multitude of relational information, making it obvious to one of ordinary skill in the art include game/ticket information.

Response to Arguments

5. Applicant's arguments filed 11/1/02 have been fully considered but they are not persuasive. Applicant's arguments are directed to the limitation of "wherein at least one server hosts at least one virtual group of lottery tickets, where the at least one server stores group information for the at least one virtual group" as purported recited in independent claim 1. As currently claimed, arguments are not commensurate in scope with that which is claimed. Applicant's claimed invention is directed to storing information on a virtual group of *purchasers*, not the virtual group of tickets or *purchases* that Applicant claims. The claimed limitations still read on the above rejection, therefore the rejection still stands.

Art Unit: 3713

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sarno '641 teaches storing information on a virtual group of lottery purchases and the purchasers.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers

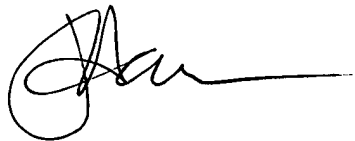
Art Unit: 3713

for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

January 10, 2003



JESSICA HARRISON
PRIMARY EXAMINER